

1860-001

Lee Co.

Chancery Causes: Eli B. Crockett vs. John J. Carroll

Umbarger

CA - Debt

T - Property



To the Worshipfull, the County Court of Lee  
County Virginia,

The bill of complaint of Eli B. Crockett of said  
County, respectfully represents, that on the 18<sup>th</sup> day of  
August 1859, Your Orator obtained, in the County Court  
of Lee County Virginia, a decree against the personal  
representative of William H. H. Sproul, Deceased, John P.  
Kiddings, and John J. Carroll for the sum of Three  
hundred and sixty six Dollars, and sixteen cents,  
with interest from the 1<sup>st</sup> day of August 1858, till  
paid, and the costs, amounting to \$29.17. On said de-  
-cree, an execution issued against the goods and chattels  
of said Deft., which execution has been returned  
"no property found". Your Orator knows of no  
property, either real, or personal, belonging to  
the Defts, or either of them, out of which the said  
debt, principle, interest and costs can be made,  
except a tract of land of 100 acres, conveyed by Au-  
-gustus Carroll, to his five heirs, of whom the  
said John J. was one, his interest in said tract or parcel  
of land, being one undivided fifth part, (for a more  
particular description of said tract, or parcel of land  
reference is hereby made to the said deed, on record  
in the Clerks office of Lee County Virginia.) Said tract  
or parcel of land lies on the North Side of Wallings  
Ridge in said County, about seven miles from Jones-  
-ville, and another tract of sixty acres conveyed by  
of the Circuit Court of Lee County to Robert Quarry  
and said John J. Carroll, previously conveyed by Joseph  
Daugherty to Benjamin and Augustus Carroll,  
adjoining the former tract. Said John J. Carroll's  
interest in said last mentioned tract or parcel of land  
is one moiety of the whole.

Your Orator knows of no other property in this—



County, or State, out of which the said debt, principle  
interest and costs, can be made, and being without  
an adequate remedy at common law and relievable  
only in a Court of Equity, his prayer therefore is that  
the said John J. Carroll be made a party Defendant  
to this bill and required to answer the allegations  
of this bill, completely & fully & truly on oath,  
that order of publication be made as to said  
John J. Carroll; and that on hearing of the  
Cause, a decree be rendered: subjecting the  
interest of said Carroll in said two tracts of land  
to the payment of said debt, principle, interest  
and costs; that a Commissioner be appointed  
to make sale of the same and out of the proceeds  
to pay the said debt, principle, interest & costs,  
and also the costs of this suit.

and your Orator will ever pray &c,

May the C. Health's writ of ~~scd~~ issue &c

Sharp for Plff



Eli B. Crockett  
vs. Z. Bell in Chy.  
John J. Carroll

1860. May - Bill filed and  
Order of Publication  
" June - Continued  
" July - Dece. nisi  
" Aug - Continued  
" Sept - Continued  
" Sept. Term. Decece

etc. to Sept 1860.

changed to 1st Dec. 1860.



Eli B. Crockett }  
vs } Decree  
John J. Carroll }

This Cause came on this 18<sup>th</sup> day of September 1860, to be heard on the bill of Complaint filed by the Complainant in this Cause and the exhibits filed in the Cause, and was argued by Counsel, and it appearing to the Court that the Deft in this Cause has had legal notice ~~of~~ by publication for four successive weeks in the Abingdon Virginian a Newspaper published in this State, and the ~~said~~ bill having been filed ~~for~~ more than two months before this term of this Court, and the Deft not appearing, and answering the Complt's bill, the same is taken for Confessed. It is therefore ordered, adjudged and decreed that Henry J. Morgan - be appointed a Commissioner, who shall, after giving twenty days public notice of the time & place of sale, by posting a written notice to that effect on <sup>door of the</sup> the Court House of Lee County, proceed to sell <sup>interest in the</sup> the land mentioned in Complt's bill, of the said Deft, <sup>at public outcry to the highest bidder</sup> for ready money and out of the proceeds pay the said debt, principle, interest and Costs, and the Costs of this suit, and the overplus if any, to the Deft, or his order, and he shall make conveyance of said land to the purchaser, and report to the next term of this Court thereof.  
=ter.



E B Crockett  
vs } Decree  
John J. Carroll

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Entered



Virginia.

At a court continued and held for Lee county, at the court house thereof on Tuesday the 18<sup>th</sup> day of September 1860.

Eli B. Crockett. Plff.

against

John W. Carroll

Def.

} In Chancery

This cause came on this 18<sup>th</sup> day of September, 1860. to be heard, on the bill of Complainant, filed by the Complainant in this cause, and the exhibit thereto filed in the cause, and was argued by counsel, and it appearing to the court, that the defendant in this cause, has had legal notice, by publication, for four successive weeks, in the "Abingdon Virginian", a newspaper published in this state, and the bill having been filed for more than two months, before this term of this court, And the defendant not appearing, and answering the Complainant's bill, the same is taken for confessed.

It is therefore ordered, adjudged and decreed that Henry C. Morgan, be appointed a commissioner, who shall after giving twenty days public notice of the time and place of sale, by posting a written notice to that effect, on the door of the court house of Lee county, proceed to sell the interest in the land, mentioned in Complainant's bill, of the said defendant, at public outcry, to the highest bidder, for ready money, and out of the proceeds, pay the said debt, principal, interest and costs, and the costs of this suit, And the surplus if any, to the debt, or his order, and he shall make conveyance of said land, to the purchaser, and report to the next term of this court, thereafter.

A Copy.

Teste,

H. J. Morgan, c. c.



204  
Eli B. Crockett

vs 3 Copy - Deere

John A. Carroll



The deposition of  
taken pursuant to notice of Publication at Thomas  
Baylor's Taylor shop in the County Virginia, on  
the 18<sup>th</sup> day of August 1860 to be read as evidence  
~~in my~~ <sup>on my</sup> behalf, <sup>for Eli B. Crockett</sup> in a certain suit in chancery now  
pending in the County Virginia, wherein said Crockett  
is Plaintiff and John F. Carroll is defendant

Samuel H. Umbarger a witness  
of lawful age after <sup>being</sup> duly sworn  
deposes and says.

I am acquainted with a tract of  
land on which Robert Queen now lives  
and understand that John F. Carroll has an  
interest in said land, and I do not think it  
would rent for more than fifty dollars  
per annum.

and further this deponent saith not  
S H Umbarger

I Thomas Baylor a Justice of the  
Peace in & for the County & State above  
named, do hereby certify that the depo-  
-sition of Samuel H. Umbarger was  
taken, sworn and subscribed before  
me at the place and time mentioned in  
the foregoing caption, given under  
my hand this 18<sup>th</sup> day of August 1860

Thos Baylor J.O.

Justice fee 75 cts  
witness attendance 50  
\$1.25



E. B. Crockett  
vs. } deposition  
John J. Carroll

Record of the Justice  
before whom they were taken  
H. Morgan & Co



The Commonwealth of Virginia,

TO THE SHERIFF OF LEE COUNTY—GREETING:

WE COMMAND YOU TO SUMMON

*John J. Carroll*

to appear before the Justices of our County Court for Lee county, at the Court House,

*on the 1st Monday in May 1860*

to answer

a bill in Chancery exhibited in our said Court against *him* by *Eli B. Brock Pitt*

And have then there this writ. WITNESS, HENRY J. MORGAN, Clerk of our said Court, at the Court House,  
this *30<sup>th</sup>* day of *April* 18*60*, in the *84<sup>th</sup>* year of the Commonwealth.

*H. J. Morgan*



5  
Eli B. Crockett

vs 3 Spain in ch

John J. Carroll

May Rules 1860

April the 20<sup>th</sup> 1860

not executed the

defendant not being

a resident of Virginia

Samuel L. Saul Is



The Commonwealth of Virginia,

WE COMMAND YOU TO SUMMON

TO THE SHERIFF OF LEE COUNTY—GREETING:

*John J. Carrall*

to appear before the Justices of our County Court for Lee County, at the Court House, *on the 1<sup>st</sup> Monday*  
*in May 1860* to answer  
a bill in Chancery exhibited in our said Court against *him* by *Eli B. Brockitt*.

And have then there this writ. WITNESS, HENRY J. MORGAN, Clerk of our said Court, at the Court House, this  
*300* day of *april* 1860, in the *84<sup>th</sup>* year of the Commonwealth.

*H. J. Morgan Clk*

*A Copy To*  
*H. J. Morgan Clk*



**VIRGINIA:**—At Rules held in the Clerk's Office of the County Court of Lee county, on Monday, the 7th day of May, 1860:

Eli B. Crockett, Complainant,

vs.

John J. Carroll, Defendant,

} IN CHANCERY.

The object of this suit is to subject certain lands in the bill mentioned, to sale for the payment of a debt therein mentioned; and it appearing from an affidavit filed in the cause, that said Carroll is not an inhabitant of this Commonwealth, it is therefore ordered that the said John J. Carroll do appear here within one month after due publication of this order, and do what is necessary to protect his interest.

A copy. Teste,

H. J. MORGAN, c. c.

May 25, 1860—4w



May 25, 1860—4w  
**VIRGINIA:**—At Rules held in the Clerk's  
Office of the County Court of Lee county,  
on Monday, the 7th day of May, 1860:

Eli B. Crockett, Complainant,

vs.

John J. Carroll, Defendant,

} IN CHANCERY.

The object of this suit is to subject certain lands in the bill mentioned, to sale for the payment of a debt therein mentioned; and it appearing from an affidavit filed in the cause, that said Carroll is not an inhabitant of this Commonwealth, it is therefore ordered that the said John J. Carroll do appear here within one month after due publication of this order, and do what is necessary to protect his interest.

A copy. Teste,

H. J. MORGAN, c. c.

May 25, 1860—4w



**VIRGINIA:**—At Rules held in the Clerk's Office of the County Court of Lee county, on Monday, the 7th day of May, 1860:

Eli B. Crockett, Complainant,  
vs.  
John J. Carroll, Defendant, } IN CHANCERY.

The object of this suit is to subject certain lands in the bill mentioned, to sale for the payment of a debt therein mentioned; and it appearing from an affidavit filed in the cause, that said Carroll is not an inhabitant of this Commonwealth, it is therefore ordered that the said John J. Carroll do appear here within one month after due publication of this order, and do what is necessary to protect his interest.

A copy. Teste,

H. J. MORGAN, c. c.

May 25, 1860—4w



**VIRGINIA:**—At Rules held in the Clerk's Office of the County Court of Lee county, on Monday, the 7th day of May, 1860:

Eli B. Crockett, Complainant,

vs.

John J. Carroll, Defendant,

} IN CHANCERY.

The object of this suit is to subject certain lands in the bill mentioned, to sale for the payment of a debt therein mentioned; and it appearing from an affidavit filed in the cause, that said Carroll is not an inhabitant of this Commonwealth, it is therefore ordered that the said John J. Carroll do appear here within one month after due publication of this order, and do what is necessary to protect his interest.

A copy. Teste,

H. J. MORGAN, c. c.



Virginia

At Rules held in the clerks office of the courts  
court of Lee county on Monday the 7<sup>th</sup> day of May  
1860.

Eli R. Crockett Complainant

vs.

John F. Carroll Defendant

In Chancery

The object of this suit, is to subject certain lands  
in the bill mentioned to sale, for the payment of  
a debt, therein mentioned, and it appearing from an  
affidavit filed in the cause, that said Carroll is  
not an inhabitant of this commonwealth, It is  
therefore ordered that the said John F. Carroll do  
appear here within one month after the publication  
of this order, and do what is necessary to protect  
his interest,

Teste H. F. Morgan, C. C.

Lee County Court

Henry F. Morgan personally appeared before the  
undersigned  
and made oath that he posted a correct copy of the above  
order on the door of the court House of Lee county on  
Saturday the 19<sup>th</sup> day of May 1860, Given under  
my hand this day of 1860



Eli B Crockett

W<sup>th</sup> Order Publication

John F. Carroll

Postage 60  
6



VIRGINIA, Washington County, to wit:

I do hereby certify that the annexed notice has been published, four weeks successively, in the ABINGDON VIRGINIAN, a newspaper printed in the town of Abingdon and State aforesaid.

Given under my hand August 4<sup>th</sup> 1860

Printer's fee, \$

Geo. R. Barr,  
Jr. Ed. "Virginian"

**VIRGINIA**:—At Rules held in the Clerk's Office of the County Court of Lee county, on Monday, the 7th day of May, 1860:  
Eli B. Crockett, Complainant,

vs.

} IN CHANCERY.

John J. Carroll, Defendant,

The object of this suit is to subject certain lands in the bill mentioned, to sale for the payment of a debt therein mentioned; and it appearing from an affidavit filed in the cause, that said Carroll is not an inhabitant of this Commonwealth, it is therefore ordered that the said John J. Carroll do appear here within one month after due publication of this order, and do what is necessary to protect his interest.

A copy. Teste,

H. J. MORGAN, c. c.



VIRGINIA, *Washington County, to wit:*

I do hereby certify that the annexed notice has been published, four weeks successively, in the ABINGDON VIRGINIAN, a newspaper printed in the town of Abingdon and State aforesaid.

Given under my hand *August 17<sup>th</sup> 1860.*

*Chas. B. Coale*

Printer's fee, \$

*Sr. Ea "Virginian"*

**MR. JOHN J. CARROLL,**  
**T**AKE notice, that on the 18th day of August next, at the tailor shop of Thomas Bayler, in Lee county, I will take the deposition of Samuel H. Umbarger and others, which depositions are intended to be read as evidence in my behalf in a suit in Chancery, now pending in the County Court of Lee county, Virginia, wherein I am complainant and you are defendant. If necessary, I will continue from place to place and from time to time, till all be taken

**ELI B. CROCKETT.**

July 27, 1860—4w